

104TH CONGRESS  
1ST SESSION

# S. 987

To provide for the full settlement of all claims of Swain County, North Carolina, against the United States under the agreement dated July 30, 1943, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 29 (legislative day, JUNE 19), 1995

Mr. HELMS (for himself and Mr. FAIRCLOTH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To provide for the full settlement of all claims of Swain County, North Carolina, against the United States under the agreement dated July 30, 1943, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Swain County Settle-  
5       ment Act of 1995”.

### 6   **SEC. 2. SETTLEMENT OF CLAIMS.**

7       (a) FINDINGS.—Congress finds that—

1           (1) Swain County, North Carolina, claims cer-  
2           tain rights acquired pursuant to an agreement dated  
3           July 30, 1943, between the Secretary of the Interior,  
4           the State of North Carolina, the Tennessee Valley  
5           Authority, and Swain County, North Carolina (re-  
6           ferred to in this Act as the “1943 Agreement”);

7           (2) the 1943 Agreement provided that the De-  
8           partment of the Interior would construct a road  
9           along the north shore of the Fontana Reservoir to  
10          replace a road flooded by the construction of Fon-  
11          tana Dam and the filling of the reservoir; and

12          (3) the road has not been completed.

13          (b) PURPOSE.—The purpose of this section is to set-  
14          tle and quiet all claims arising out of the 1943 Agreement.

15          (c) SETTLEMENT.—

16               (1) COMPLETION OF ROAD.—Notwithstanding  
17               any other provision of law, the Secretary of the Inte-  
18               rior shall complete the road along the north shore of  
19               the Fontana Reservoir according to the terms of the  
20               1943 Agreement.

21               (2) PAYMENT TO SWAIN COUNTY.—

22                       (A) IN GENERAL.—After completion of the  
23                       road under paragraph (1), the Secretary of the  
24                       Treasury shall pay Swain County, North Caro-  
25                       lina, the sum of \$16,000,000, which shall be

deposited in an account in accordance with the rules and regulations established by the North Carolina Local Government Commission.

(B) EXPENDITURE.—

(i) PRINCIPAL.—The principal of the sum may be expended by Swain County only under a resolution approved by an affirmative vote of two-thirds of the registered voters of the county.

(ii) INTEREST.—Interest earned on the unexpended principal of the sum may be expended only by a majority vote of the duly elected governing commission of Swain County.

(d) RESTRICTION ON USE OF FUNDS.—Money made available pursuant to this section may not be paid to or received by an agent or attorney on account of services rendered in connection with the claims settled by this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 3. CHEROKEE HISTORICAL MARKER.**

The Secretary of the Interior shall allocate the funds and personnel necessary to place a suitable historical

1 marker at or near the approach to the Cherokee Qualls  
2 Reservation at Soco Gap, North Carolina, in recognition  
3 of the historical importance of Soco Gap and the contribu-  
4 tion of the Cherokee Nation to the State of North Carolina  
5 and the United States.

